

**REMARKS**

**Formal Matters**

Claims 1-10 and 19-24 are pending in the application.

Claims 7-10, 23 and 24 are rejected. Claim 22 is objected to.

Claims 1-6 and 19-21 are allowed.

Claims 7 and 22 are amended for clarity, which amendments introduce no new matter.

Amendments herein, including any cancellation of claims, are made without prejudice, and without acquiescing as to the correctness of any rejection applied.

Attached hereto is a marked-up version of the changes made to claims by the current Amendment. The attached is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**" No new matter is believed to have been added to the claims.

**Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication that claims 1-6 and 19-21 are allowed.

**Information Disclosure Statement**

Applicants thank the Examiner for consideration of the Information Disclosure Statement filed September 9, 2002.

Applicants request consideration of the Information Disclosure Statement mailed December 2, 2002, and to indicate such consideration by returning a copy of the initialed PTO form with the next action.

**Sequence Listing Requirement**

The Office Action notes that the present application is not in compliance with the Sequence Listing requirements set out in 37 CFR §§1.821 through 1.825.

Applicants include with this amendment a Sequence Listing in both paper copy and CRF form. The specification is amended to insert the Sequence Listing after the abstract as separately numbered pages as required.

**BEST AVAILABLE COPY**

I hereby certify that the enclosed Sequence Listing is being submitted under 37 CFR §§ 1.821(c) and (e) in paper and computer readable form (Compact Disk labeled 'CRF'). Pursuant to 37 CFR § 1.821(f), I hereby state that the content of the paper and computer readable copy of the Sequence Listing are the same. The Computer Readable Format (CRF), being submitted under 37 CFR § 1.52(e), is formatted on IBM-PC, the operating system compatibility is MS-Windows and the file listing is:

Seqlist.txt 889 bytes created February 18, 2003.

The Sequence Listing was prepared with the software FASTSEQ, and conforms to the Patent Office guidelines. Applicant respectfully submits that the subject application is in adherence to 37 CFR §§ 1.821-1.825.

I hereby certify that the enclosed submission includes no new matter.

This objection can now be withdrawn, which action is respectfully requested.

#### **Claim Objection**

Claim 22 was objected to in that the word "by" was crossed-out, but was still present in the "clean copy" of the claims.

Claim 22 is amended to remove the word "by" from the clean copy. Deletion of "by" is requested by crossing-out the word in the marked-up copy.

Removal of this objection is respectfully requested.

#### **Rejection Under §112, ¶2**

Claims 7-10 and 23-24 were rejected as being indefinite. Specifically the Office Action states that claim 7 is vague for recitation of the phrase "... testing a substance for its ability to activity in deacetylation of RelA ...". The Examiner kindly suggested amending the claim to more clearly state what activity is assayed in the claimed method.

In response, applicants have amended claim 7 to recite "testing a substance for activity in deacetylation of RelA or inhibition of RelA acetylation".

In view of this amendment, withdrawal of this rejection is respectfully requested.

**BEST AVAILABLE COPY**

**CONCLUSION**

Applicants respectfully submit that all of the claims in the present application are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please contact the attorney listed below at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-234.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date:

Feb 18, 2003

By:

Carol L. Francis

Carol L. Francis  
Registration No. 36,513

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231  
F:\DOCUMENT\UCAL\234\Response to oa (11-19-02) pto.doc

BEST AVAILABLE COPY

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Amend claim 7 as shown.

Amend claim 22 to remove the word "by".

7. **(Twice Amended)** A method for identifying a substance that inhibits NF- $\kappa$ B activity, comprising testing a substance for ~~its ability to~~ activity in deacetylation of RelA or ~~inhibiting~~ inhibition of RelA acetylation, the method comprising the steps of:

exposing a sample comprising RelA to a test substance;

comparing deacetylated RelA in the sample comprising the test substance to acetylation of RelA in a sample without the test substance; and

determining whether the test substance provides for a level of deacetylated RelA greater than a level of deacetylated RelA in the absence of the test substance;

wherein activity of the test substance in increasing deacetylated RelA indicates the test substance inhibits NF- $\kappa$ B activity.

22. **(Twice Amended)** The method of claim 1, wherein said contacting is in the presence of HDAC3 and wherein detection of an increase of deacetylated RelA in the presence of ~~by~~ the candidate agent and HDAC2 is compared to a level of deacetylated RelA in the absence of the candidate agent and the presence of HDAC3.

**BEST AVAILABLE COPY**